

KONRAD RAYNES & VICTOR, LLP OFFICIAL

315 S. Beverly Drive, Suite 210
Beverly Hills, California 90212

Telephone: (310) 556-7983
Facsimile: (310) 556-7984

FAX COVER SHEET

RECEIVED
CENTRAL FAX CENTER

JUN 17 2004

**PLEASE DELIVER THIS FACSIMILE
TO EXAMINER MATTHEW D. ANDERSON**

TO: Commissioner for Patents
Attn: Examiner Matthew D. Anderson
Group Art Unit 2186
Patent Examining Corps
Facsimile Center
Washington, D.C. 20231

FROM: David W. Victor

OUR REF: 0018.0074
TELEPHONE: 310-556-7983

Total pages, including cover letter: 26

PTO FAX NUMBER 1-703-872-9306

If you do NOT receive all of the pages, please telephone us at 310/556-7983, or fax us at 310/556-7984.

Title of Document Transmitted: PTO/SB/30 REQUEST FOR CONTINUED
EXAMINATION (RCE) TRANSMITTAL; PTO/SB/17 FEE TRANSMITTAL;
AMENDMENT PREVIOUSLY SUBMITTED ON MAY 18, 2004

Applicant: D.A. Burton et al.
Serial No.: 09/630,228
Filed: August 1, 2000
Group Art Unit: 2186
Docket No.: TUC920000013US1

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on
June 17, 2004


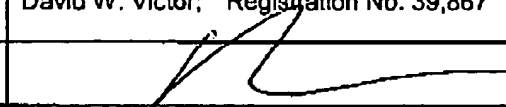
By: Patricia McLaughlin
Name: Patricia McLaughlin

PTO/SB/17
0018.0074

FEE TRANSMITTAL	Application Number	09/630,228
for FY 2002	Filing Date	August 1, 2000
	Inventor	D.A. Burton et al.
	Group Art Unit	2186
	Examiner Name	Matthew D. Anderson
Total Amount of Payment: \$770.00	Attorney Docket Number	TUC920000013US1

<p>METHOD OF PAYMENT (check one)</p> <p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge the indicated fees and/or credit any overpayments to Deposit Account Number: 09-0449 <input type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Charge any deficiency or credit any overpayment</p> <p>2. <input type="checkbox"/> Payment enclosed: <input type="checkbox"/> Check; _____ Check No. <input type="checkbox"/> Money Order <input type="checkbox"/> Credit Card Approval for _____</p> <p>FEE CALCULATION</p> <p>1. BASIC FILING FEE Utility Filing Fee: Large Entity Fee Code 101 \$770.00</p> <p>Fee Submitted: \$ _____</p> <p>2. EXTRA CLAIMS FEES Total Claims 48 - 51* x \$18= \$ _____ Independent Claims 14 -14* x \$86= \$ _____</p> <p>Multiple Dependent \$290 \$ _____</p> <p>Subtotal \$ <u>770.00</u></p> <p>*(or number previously paid for)</p>	<p>FEE CALCULATION (continued)</p> <p>3. ADDITIONAL FEES (large entity)</p> <table> <tr><td><input type="checkbox"/> Surcharge- late filing fee or oath</td><td>\$130</td></tr> <tr><td><input type="checkbox"/> Surcharge- late provisional filing fee or cover sheet</td><td>\$50</td></tr> <tr><td><input type="checkbox"/> Non-English specification</td><td>\$130</td></tr> <tr><td><input type="checkbox"/> International type search report</td><td>\$40</td></tr> <tr><td><input type="checkbox"/> Requesting publication of SIR prior to action</td><td>\$920</td></tr> <tr><td><input type="checkbox"/> Requesting publication of SIR after action</td><td>\$1840</td></tr> <tr><td><input type="checkbox"/> Extension for reply- first month</td><td>\$110</td></tr> <tr><td><input type="checkbox"/> Extension for reply- second month</td><td>\$420</td></tr> <tr><td><input type="checkbox"/> Extension for reply- third month</td><td>\$950</td></tr> <tr><td><input type="checkbox"/> Extension for reply- fourth month</td><td>\$1480</td></tr> <tr><td><input type="checkbox"/> Extension for reply- fifth month</td><td>\$2010</td></tr> <tr><td><input type="checkbox"/> Notice of Appeal</td><td>\$330</td></tr> <tr><td><input type="checkbox"/> Brief in Support of Appeal</td><td>\$330</td></tr> <tr><td><input type="checkbox"/> Request for Oral Hearing</td><td>\$290</td></tr> <tr><td><input type="checkbox"/> Utility issue fee</td><td>\$1330</td></tr> <tr><td><input type="checkbox"/> Petition to revive (unavoidable)</td><td>\$110</td></tr> <tr><td><input type="checkbox"/> Petition to revive (unintentional)</td><td>\$1330</td></tr> <tr><td><input type="checkbox"/> Petitions to the Commissioner</td><td>\$130</td></tr> <tr><td><input type="checkbox"/> Petitions related to provisional applications</td><td>\$50</td></tr> <tr><td><input type="checkbox"/> Submission of Information Disclosure Statement</td><td>\$180</td></tr> <tr><td><input type="checkbox"/> Recordation of Assignment</td><td>\$40</td></tr> <tr><td><input type="checkbox"/> Submission after final (37 CFR 1.129(a))</td><td>\$770</td></tr> <tr><td><input checked="" type="checkbox"/> Request for Continued Examination (RCE)</td><td>\$770</td></tr> <tr><td><input type="checkbox"/> Other:</td><td></td></tr> </table> <p>SUBTOTAL \$ <u>770.00</u></p>	<input type="checkbox"/> Surcharge- late filing fee or oath	\$130	<input type="checkbox"/> Surcharge- late provisional filing fee or cover sheet	\$50	<input type="checkbox"/> Non-English specification	\$130	<input type="checkbox"/> International type search report	\$40	<input type="checkbox"/> Requesting publication of SIR prior to action	\$920	<input type="checkbox"/> Requesting publication of SIR after action	\$1840	<input type="checkbox"/> Extension for reply- first month	\$110	<input type="checkbox"/> Extension for reply- second month	\$420	<input type="checkbox"/> Extension for reply- third month	\$950	<input type="checkbox"/> Extension for reply- fourth month	\$1480	<input type="checkbox"/> Extension for reply- fifth month	\$2010	<input type="checkbox"/> Notice of Appeal	\$330	<input type="checkbox"/> Brief in Support of Appeal	\$330	<input type="checkbox"/> Request for Oral Hearing	\$290	<input type="checkbox"/> Utility issue fee	\$1330	<input type="checkbox"/> Petition to revive (unavoidable)	\$110	<input type="checkbox"/> Petition to revive (unintentional)	\$1330	<input type="checkbox"/> Petitions to the Commissioner	\$130	<input type="checkbox"/> Petitions related to provisional applications	\$50	<input type="checkbox"/> Submission of Information Disclosure Statement	\$180	<input type="checkbox"/> Recordation of Assignment	\$40	<input type="checkbox"/> Submission after final (37 CFR 1.129(a))	\$770	<input checked="" type="checkbox"/> Request for Continued Examination (RCE)	\$770	<input type="checkbox"/> Other:	
<input type="checkbox"/> Surcharge- late filing fee or oath	\$130																																																
<input type="checkbox"/> Surcharge- late provisional filing fee or cover sheet	\$50																																																
<input type="checkbox"/> Non-English specification	\$130																																																
<input type="checkbox"/> International type search report	\$40																																																
<input type="checkbox"/> Requesting publication of SIR prior to action	\$920																																																
<input type="checkbox"/> Requesting publication of SIR after action	\$1840																																																
<input type="checkbox"/> Extension for reply- first month	\$110																																																
<input type="checkbox"/> Extension for reply- second month	\$420																																																
<input type="checkbox"/> Extension for reply- third month	\$950																																																
<input type="checkbox"/> Extension for reply- fourth month	\$1480																																																
<input type="checkbox"/> Extension for reply- fifth month	\$2010																																																
<input type="checkbox"/> Notice of Appeal	\$330																																																
<input type="checkbox"/> Brief in Support of Appeal	\$330																																																
<input type="checkbox"/> Request for Oral Hearing	\$290																																																
<input type="checkbox"/> Utility issue fee	\$1330																																																
<input type="checkbox"/> Petition to revive (unavoidable)	\$110																																																
<input type="checkbox"/> Petition to revive (unintentional)	\$1330																																																
<input type="checkbox"/> Petitions to the Commissioner	\$130																																																
<input type="checkbox"/> Petitions related to provisional applications	\$50																																																
<input type="checkbox"/> Submission of Information Disclosure Statement	\$180																																																
<input type="checkbox"/> Recordation of Assignment	\$40																																																
<input type="checkbox"/> Submission after final (37 CFR 1.129(a))	\$770																																																
<input checked="" type="checkbox"/> Request for Continued Examination (RCE)	\$770																																																
<input type="checkbox"/> Other:																																																	

Submitted by:

Firm or Individual Name:	David W. Victor; Registration No. 39,867	 24033 PATENT TRADEMARK OFFICE
Signature:		
Date: <u>June 17, 2004</u>	Telephone: (310) 553-7977	

RECEIVED
CENTRAL FAX CENTER

JUN 17 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D.A. Burton et al. Examiner: Matthew D. Anderson
Serial No.: 09/630,228 Group Art Unit: 2186
Filed: August 1, 2000 Docket No.: TUC920000013US1
TITLE: METHOD, SYSTEM, AND DATA STRUCTURES FOR USING
METADATA IN UPDATING DATA IN A STORAGE DEVICE

OFFICIAL

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted by facsimile to Matthew D. Anderson of the U.S. Patent and Trademark Office at 703-872-9306 on May 18, 2004.

David W. Victor

5/18/04
DateRESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This amendment is submitted in response to the final office action dated February 18, 2004 in which the Examiner rejected claims 1, 15, 16, 30, 31, 42, 43, and 47-51 as anticipated (35 U.S.C. §102) or obvious (35 U.S.C. §103) over cited art, and found that claims 2-14, 17-29, 32-41, and 44-48 would be allowed if written in independent form to include the requirements of base and intervening claims.

On April 22, 2004, the attorney for Applicants and the Examiner held a phone interview discussing the claims. Although no agreement was reached, the Examiner said he would consider entering an amendment to the independent claims Applicants proposed and would reconsider the rejection in view of such amendments and arguments. Applicants have amended claims 1, 16, 31, and 43 as discussed during the phone interview and request the Examiner to enter this amendment because it does not raise issues that would require further searching. Applicants have further amended certain of the allowable claims to place in condition for allowance and canceled claims 49-51.

COPY

Amdt. dated May 18, 2004
Reply to Final Office Action of Feb. 18, 2004

Serial No. 09/630,228
Docket No. TUC920000013US1
Firm No. 0018.0074

Applicants submit that pending claims 1-48 are patentable over the cited art and in condition for allowance for the reason discussed herein.

Amendments to the Claims are reflected in the listing of claims which begins on page 3.

Remarks/Arguments begin on page 18.